

**House Judiciary Committee – March 15, 2023**  
**Re: Senate Bill 2**

Good morning, Chair Breen and members of the committee. I am Rebecca Mastee, representing the Michigan Catholic Conference, which is the official public policy voice of the Catholic Church in our state. Thank you for the opportunity to speak briefly today in opposition to Senate Bill 2.

It is concerning that this statute MCL 750.40 is proposed for repeal. Doing so and not replacing it with anything or updating its language will, again, leave a dangerous gap in our law – to the detriment of women’s health.

MCL 750.40 helps to protect the public from bad actors – those who would publish or sell dangerous, unscientific recipes to use to prevent conception, produce a miscarriage, or cause an abortion, utilizing indecent or obscene language.

It should be noted that obscene content is not protected by the First Amendment and one aspect of obscenity includes that which lacks serious scientific value. This law does not pertain to accurate medical information.

In the name of women’s health, the state *should* prohibit random, at home, do it yourself abortion recipes from being disseminated. That is what this law does – it helps deter bad actors from misleading vulnerable women and placing desperate teens at risk. I would think abortion providers would want this discouraged as well. MCL 750.40 does not limit or place regulations on legal abortion or even contraception, nor does it place doctors at risk when acting according to their profession.

As I expressed in previous testimony regarding other long-standing abortion laws set for repeal, this law, too, retains a valid public health purpose. Further, it can coexist with Proposal 3.

The new constitutional amendment allows for regulations that meet a compelling state interest – one which “is for the limited purpose of protecting the health of an individual seeking care” and “consistent with accepted clinical standards of practice and evidence-based medicine...” This law currently prohibits publishing recipes in indecent or obscene language – lacking scientific value – which is anything *but* a clinical standard.

And this law serves to protect an individual’s health – we urge you to retain it.

Please oppose the bill.

Thank you.